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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,164	04/27/2001	Ryan Robertson	35451/126 (3623.Palm)	1779
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FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			EXAMINER CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER

2617

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/844,164	Applicant(s) ROBERTSON ET AL.	
	Examiner Joy K. Contee	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10,12-17 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10,12-17 and 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/20/06 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Boling et al. (US Pub. No. 2006/0003809) reference was applied to teach, *inter alia*, wherein a device is programmed to effectuate a communication connection when a user depresses a key when the wireless telephony device is either powered on or off (and either a non-communications mode or communications mode) (see page 1 [0027]). Hence, the secondary reference Curatola et al. (US Pub. No. 2005/0136912) was appropriately applied to provide a teaching wherein it is preferable to use a manual switch, which may include at least two buttons activated simultaneously, to prevent accidental activation (see page 3 [0041]). Further, Curatola does meet the limitation surrounding having a graphical user interface coupled to the processor since page 3 [0041] and page 4 [0051] discloses that the signaling units may include or incorporated

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within a PDA or cellular telephone, which inherently comprise a display having a GUI coupled to the processor.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,3,6,7,14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling et al., (Boling), U.S. Patent No. US 2006/0003899, in view of Curatolo et al. (Curatolo), U.S. Pub No. 2005/0136912, both recently discovered.

Regarding claims 6,7,14,21,30,31 and 32, Boling discloses a handheld computing device comprising: an housing (page 2 [0026-0027]) ;

a processor supported by the housing (page 4 [0044] and see Fig. 6);

a wireless telephony device coupled to the processor (page 1 [0012] and see Fig. 6);

a plurality of input keys (page 1 [0012]), wherein the device allows a user to depress input keys when the wireless telephony device (and the state of any software operating on the device) is either powered on or off (and either a non-communications mode or a communications mode) (see page 1 [0027]).

Boling does not explicitly disclose a display having a graphical user interface coupled to the processor and wherein the device is programmed to effectuate a predetermined communications connection when a user depresses two or more input

keys simultaneously and device effectuates the predetermined communications connection.

In a similar field of endeavor, Curatolo discloses a display having a graphical user interface coupled to the processor (page 3 [0040] and page 4 [0051]) and wherein the device is programmed to effectuate a predetermined communications connection when a user depresses two or more input keys simultaneously and device effectuates the predetermined communications connection (page 3 [0041] and page 5 [0058]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Boling to include simultaneous depression of two input keys to effectuate a predetermined communication when the communication device is powered off in case of an emergency situation as described in Boling, in that accidental activation is prevented as described in Curatolo (page 3 [0041]).

Regarding claim 2, the combination of Boling and Curatolo disclose the handheld computing device of claim 7. Boling further discloses wherein the predetermined communications connection is effectuated by dialing a predetermined telephone number (e.g., to remote security station) (page 4 [0047]).

Regarding claim 3, the combination of Boling and Curatolo discloses the handheld computing device of claim 7, wherein the predetermined number is the number for an emergency service. (see Boling , (page 4 [0047]).

4. Claims 8,11,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling and Curatolo, in view of Hess, U.S. Patent No. 5,777,551, previously used in office action.

Regarding claims 8 and 15, the combination of Boling and Curatolo disclose the handheld computing device of claims 7 and 14 but fails to explicitly disclose, wherein the device calls the emergency service by dialing 9-1-1.

In a similar field of endeavor, Hess discloses wherein the device calls the emergency service by dialing 9-1-1 (i.e., reads on call forwarded to 91 1 office) (see Hess, col. 4, lines 37-46).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Boling and Curatolo to include dialing "9-1-1" to contact emergency services for the purpose of providing an additional direct access to emergency personnel.

5. Claims 4,12,24, 25,26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling and Curatolo, in view of Yasuda et al. ("Yasuda"), U.S. Patent No. 5,901,365, previously used.

Regarding claims 4,12 and 24-27 Boling and Curatolo disclose the handheld computing device of claims 7,14 and 21, respectively. The combination fails to explicitly disclose, wherein the user must depress and hold the two or more input keys (or a single key) for greater than one second (or at least one second) to effectuate the predetermined communications connection.

In a similar field of endeavor, Yasuda provides evidence of receiving an affirmative result for a key depression of a period of one second or more (col. 3, lines 27-33 and lines 51-56).

At the time of the invention it would have been obvious to one of ordinary skill in

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the art to modify the combination of Boling and Curatolo to include an extended key depression for an emergency call for the purpose of providing an affirmative result as to decrease false alarms.

6. Claims 5,13 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Boling and Curatolo, in view of Asari et al. ('Asari"), U.S. Patent No. 6,031,470, previously used.

Regarding claims 5, 13 and 23, the combination of Boling and Curatolo disclose the handheld computing device of claims 7,14 and 21, respectively.

The combination does not explicitly disclose, wherein the user must depress four input keys simultaneously to effectuate the predetermined communications connection.

In a similar field of endeavor, Asari provides evidence in a wireless means for plural key operation (i.e., up to four keys) (col. 6, lines 55-59), wherein said keyboard realizes a variety of key operation forms or modes based on simultaneous operation of large number of keys (col. 1, lines 50-59).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify the combination of Boling and Curatolo to include plural key operation up to four keys for the purpose of further decreasing possibility of an erroneous operation (see Asari, col. 1, lines 55-59).

7. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling and Curatolo, in view of Kienberger, U.S. Patent No. 5,467,387.

Regarding claims 10 and 17, the combination of Boling and Curatolo disclose

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the device of claims 7 and 14, respectively, but fails to disclose a plurality of navigation buttons, wherein the device is programmed to effectuate the predetermined communications connection when a combination of the navigation buttons and the input keys is depressed simultaneously.

In a similar field of endeavor, Kienberger provides of evidence of using navigation buttons and a numerical key to activate a subscriber performance feature (col. 2, lines 37-45).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Boling and Curatolo to include simultaneous depression of navigation buttons and the input keys to effectuate a predetermined communication to further reduce false

alarms, that is, if one button depression is required there may be more false alarms.

8. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling and Curatolo, in view of Nilsson et al. (".Nilsson"), U.S. Patent No. 6,332,073.

Regarding claims 9 and 16, the combination of Boling and Curatolo disclose the device of claims 7 and 14, respectively. The combination fails to explicitly disclose wherein the device calls the emergency service by dialing 1-1-2.

In a similar field of endeavor, Nilsson suggests dialing "1-1-2", for emergency service (col. 1 , lines 15-17).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include emergency dialing to "1-1-2", if the user/mobile unit were in Sweden where the string is customary.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boling and Curatolo, in view of Shaanan et al., U.S. Patent No. 6,332,084.

Regarding claim 22, the combination of Boling and Curatolo discloses the handheld computer of claim 21 . The combination fails to disclose, wherein the handheld computer does not include a mechanical telephone keypad.

In a similar field of endeavor, Shaanane discloses wherein the handheld computer does not include a mechanical telephone keypad (i.e., reads on touch screen is programmed to display a soft version of a conventional hard keypad) (col. 2, lines 21-29).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination of Boling and Curatolo to include a non-mechanical keypad for the purpose of providing a lighter weight mobile device, e.g., PDA.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC


JOY K. CONTEE
PATENT EXAMINER


TEMICA BEAMER
PRIMARY EXAMINER